

FAA HUMAN RESOURCES OPERATING INSTRUCTIONS (HROI)

FAA TABLE OF DISCIPLINARY OFFENSES AND PENALTIES

<u>Nature of Offense</u>	<u>First Offense</u>	<u>Second Offense</u>	<u>Third Offense</u>
<i>ABSENCE AND LEAVE</i>			
1. Unexcused tardiness.	Reprimand to 2-day suspension	2-10 day suspension	10-day suspension to removal
2. Unauthorized absence up to, and including, 5 scheduled workdays and/or failure to follow leave procedures.	Reprimand to 5-day suspension	5-10 day suspension	Removal
3. Unauthorized absence of more than 5 consecutive workdays and/or failure to follow leave procedures.	10-day suspension to removal	Removal	
4. Unauthorized absence from the work site during duty hours.	Reprimand to 5-day suspension	5-10 day suspension	Removal
5. Improper use of sick leave or other leave programs.	Reprimand to 5-day suspension	5-10 day suspension	Removal
<i>CONDUCT</i>			
6. Failure to carry out orders, directions, assignments, etc., given by a superior official.	Reprimand to 10-day suspension.	10-day suspension to removal	Removal
7. Insubordination or refusal to carry out orders, directions, assignments, etc., given by a superior official; defiance of authority.	10-day suspension to removal	30-day suspension to removal	Removal
8. Canvassing, soliciting or peddling at FAA work sites.	Reprimand to 5-day suspension	5-14 day suspension	14-day suspension to removal
9. Betting, gambling or promotion of gambling at the work site.	Reprimand to 5-day suspension	5-14 day suspension	14-day suspension to removal
10. Borrowing money or obtaining cosignatures from subordinates; lending money for profit.	Reprimand to 5-day suspension	5-14 day suspension	14-day suspension to removal
11. Failure to honor valid debts or legal obligations	Reprimand	Reprimand to 5-day suspension	Removal

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12. Charging or receiving fees in connection with official duties; unauthorized financial interests; or violation of other outside employment restrictions.	Reprimand to removal	30-day suspension to removal	Removal
13. Violation of prohibition against accepting gifts.	Reprimand to removal	14-day suspension to removal	Removal
14. Failure to perform duties while sleeping or exhibiting a sleep-like state when the employee occupies a position where safety of personnel and property is not endangered.	Reprimand to 10-day suspension	10-30 day suspension	Removal
15. Failure to perform duties while sleeping or exhibiting a sleep-like state when the employee occupies a position where safety of personnel or property is endangered.	10-day suspension to removal	Removal	
16. Negligent or careless work performance, to include, creating an environment where credibility is questioned; inattention to duty.	Reprimand to 10-day suspension	10-30 day suspension	Removal
17. Negligent or careless work performance that results in injury or danger of injury to either the individual involved or to others.	10-day suspension to removal	Removal	
18. Unauthorized possession of a firearm/weapon while in or on Government owned or leased property.	30-day suspension to removal	Removal	
19. Fighting, threatening another, or attempting to inflict or inflicting injury to another person; disregard for the safety of others.	14-day suspension to removal	30-day suspension to removal	Removal
20. Intimidating, harassing, abusive, disorderly, disruptive or other inappropriate behavior; unbecoming conduct; engaging in dangerous horseplay.	Reprimand to 14-day suspension	14-day suspension to removal	Removal

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21. Use of language or remarks which are insulting, abusive or obscene.	Reprimand to 14-day suspension	14-day suspension to removal	Removal
22. Making false, unfounded, disparaging, disrespectful, or other inappropriate statements to or about others.	Reprimand to 10-day suspension	10-30 day suspension	30-day suspension to removal
23. Providing/making false, misleading, untruthful statements, or concealment of material fact or pertinent information in connection with any official inquiry, investigation, etc.	10-day suspension to removal	30-day suspension to removal	Removal
24. Refusal or failure to give oral or written statements or testimony in connection with any official inquiry, investigation, etc.	10-day suspension to removal	30-day suspension to removal	Removal
25. Unauthorized recording or monitoring of telephone calls, conversations, meetings, etc.	Reprimand to 10-day suspension	10-day suspension to removal	Removal
26. Loss of, damage to, or endangering Government property.	Reprimand to removal	10-day suspension to removal	Removal
27. Actual or attempted theft or unauthorized possession of Government or another person's personal property.	10-day suspension to removal	30-day suspension to removal	Removal
28. Forging, falsifying, misstating or misrepresenting information on Government records, documents, claims, etc., for oneself or another.	5-day suspension to removal	Removal	
29. Misuse or authorizing the use of Government vehicles for other than official purposes.	30-day suspension to removal	Removal	

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30. Misuse of Government time, property, personnel, information, funds or leased services (including, not limited to, computers and systems, fax, telephone, mail services, etc.).	Reprimand to removal	10-day suspension to removal	Removal
31. Unauthorized disclosure or failure to safeguard information, documents or records.	Reprimand to 10-day suspension	10-day suspension to removal	30-day suspension to removal
32. Failure to report a violation of law, regulations or policy.	Reprimand to 5-day suspension	5-14 day suspension	Removal
33. Concealing or covering up an act which violates a DOT or FAA policy or program.	Reprimand to 10-day suspension	10-day suspension to removal	Removal
34. Failure or refusal by appropriate authority to correct or rectify a practice or situation which violates a DOT or FAA policy or program.	Reprimand to 10-day suspension	10-day suspension to removal	Removal
35. Failure or refusal by appropriate authority to take action when the facts are known and a corrective measure is warranted.	Reprimand to 10-day suspension	10-day suspension to removal	Removal
36. Ethics violations (5 CFR 2635) not elsewhere covered in this Table	Reprimand to removal	14-day suspension to removal	Removal
37. Prohibited political activities violation.	5-day suspension to removal	14-day suspension to removal	Removal
38. Subversive activities; engaging in or encouraging a strike, work stoppage/slowdown, sick out against the Federal Government.	Removal		

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39. General gross misconduct; criminal, infamous, immoral, perverted or disgraceful conduct on or off the job.	30-day suspension to removal	Removal	
a. On or off-duty conduct that results in a felony or misdemeanor conviction or guilty pleas for child abuse, sexual molestation, incest, statutory rape, or any other such crime or offense involving a minor victim, including those intended for coverage under 42 USC 5119(a) and/or 42 USC 13041, for which a penalty of imprisonment can be imposed; or when other reasonable causes exist that the employee was involved in these activities. For the purpose of this offense, a plea of no contest shall be interpreted as synonymous with a conviction or guilty plea. Further, the penalty for these offenses shall not be deemed "mitigated" by a no contest plea or other plea arrangement, suspended sentence, parole in lieu of confinement, sentence limited to time served, probation or any other modification of penalty attached to the conviction or associated with the crime.	Removal (Note: On or off-duty conduct that results in a felony or misdemeanor indictment or warrant for arrest pending further court proceeding for these offenses shall result in an indefinite suspension until the matter is resolved.)		

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<p>b. Criminal misconduct may include behaviors addressed elsewhere in this Table, such as acceptance of gifts or money, secret tape recording, etc. If the conduct is pursued through the criminal process, for example under 18 USC, this offense and range of penalty should be utilized rather than the administrative offense and penalty range. For the purpose of this offense, a plea of no contest shall be interpreted as synonymous with a conviction or guilty plea. Further, the penalty for these offenses shall not be deemed "mitigated" by a no contest plea or other plea arrangement, suspended sentence, parole in lieu of confinement, sentence limited to time served, probation or any other modification of penalty attached to the conviction or associated with the crime.</p>	<p>30-day suspension to removal</p> <p>(Note: On or off-duty conduct that results in a felony or misdemeanor indictment or an arrest warrant pending further court proceedings, for these offenses shall result in an indefinite suspension until the matter is resolved.)</p>	<p>Removal</p> <p>(Note: On or off-duty conduct that results in a felony or misdemeanor indictment or an arrest warrant pending further court proceedings, for these offenses shall result in an indefinite suspension until the matter is resolved.)</p>	

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ALCOHOL/DRUG OFFENSES			
40. Alcohol Offenses (*Refer to DOT Order 3910.1 for information pertaining to opportunity for entering a rehabilitation program)			
a. Failure or refusal to comply with alcohol testing procedures by an employee occupying a TDP.	Removal		
b. On-duty use of alcoholic beverages.	<u>By a TDP employee</u> Removal		
	<u>By a non-TDP employee</u> 45-day suspension to removal*	<u>By a non-TDP employee</u> Removal	
c. Positive alcohol test of .04 or higher by an employee occupying a TDP.	Removal*		
d. Not-ready-for-duty status. Positive alcohol test on-duty showing a .02 to .039 alcohol level by an employee occupying a TDP	Employee will be relieved from performing safety-sensitive work for the remainder of their shift and issued a written admonishment.	30-day suspension to removal. Also, employee will be dismissed from the work site and charged AWOL*	Removal
e. Abstinence period failure by an employee occupying a TDP	Removal*	Removal	
f. Use of alcoholic beverages, impairment, or under the influence that results in misconduct or performance deficiencies, including loss of credibility, by an employee in a non-TDP.	Appropriate discipline for the performance deficiency or misconduct as prescribed in this Table (e.g., AWOL; negligent performance; inattention to duty; obscene language; disruptive behavior, etc.)	Appropriate progressive discipline for the performance deficiency or misconduct as prescribed in this Table of Penalties	Appropriate progressive discipline for the performance deficiency or misconduct as prescribed in this Table of Penalties

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41. <u>Drug Offenses</u> (*Refer to DOT Order 3910.1 for information pertaining to opportunity for entering a rehabilitation program)			
a. Failure or refusal to comply with drug testing procedures by any employee.	Removal		
b. On-duty use or possession of illegal drugs, or illegal drug trafficking (i.e., sale, growth, manufacture, distribution or transportation) by any employee.	Removal		
c. Off-duty use of illegal drugs.	<u>By a TDP employee</u> Removal*	<u>By a TDP employee</u> Removal	
	<u>By a non-TDP employee</u> 90-day suspension to removal*	<u>By a non-TDP employee</u> Removal	
d. Failure to report the use of prescription or over the counter drugs by an employee occupying a TDP	Reprimand to 10-day suspension	10-30 day suspension	30-day suspension to removal

DISCRIMINATION / EEO / MISCONDUCT OF A SEXUAL NATURE

42. Making disparaging references or expressing a stereotypical view which has a detrimental effect or impact.	<u>By a non-supervisor</u> Reprimand to 10-day suspension	<u>By a non-supervisor</u> 10-30 day suspension	<u>By a non-supervisor</u> Removal
	<u>By a supervisor</u> Reprimand to 20-day suspension	<u>By a supervisor</u> 20-day suspension to removal	<u>By a supervisor</u> Removal
43. Sexual teasing, jokes, remarks, questions that are inappropriate to the workplace.	<u>By a non-supervisor</u> Reprimand to 3-day suspension	<u>By a non-supervisor</u> 3-10 day suspension	<u>By a non-supervisor</u> 10 day suspension to removal
	<u>By a supervisor</u> Reprimand to 7-day suspension	<u>By a supervisor</u> 7-day suspension to removal	<u>By a supervisor</u> Removal

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44. Sexually suggestive looks or gestures.	<u>By a non-supervisor</u> Reprimand to 3-day suspension	<u>By a non-supervisor</u> 3-10 day suspension	<u>By a non-supervisor</u> 10-day suspension to removal
	<u>By a supervisor</u> Reprimand to 7-day suspension	<u>By a supervisor</u> 7-14 day suspension	<u>By a supervisor</u> Removal
45. Sending letters, cards, cc:mail, etc., or making telephone calls of an inappropriate or sexual nature.	<u>By non-supervisor</u> Reprimand to 5-day suspension	<u>By a non-supervisor</u> 5-15 day suspension to removal	<u>By a non-supervisor</u> 15-day suspension to removal
	<u>By a supervisor</u> 1-10 day suspension	<u>By a supervisor</u> 10-day suspension to removal and/or downgrade and removal from a supervisory position	<u>By a supervisor</u> Removal
46. Pressure for dates	<u>By a non-supervisor</u> Reprimand to 7-day suspension	<u>By a non-supervisor</u> 7-day suspension to removal	<u>By a non-supervisor</u> Removal
	<u>By a supervisor</u> 5-15-day suspension and/or downgrade and removal from supervisory position	<u>By a supervisor</u> Removal	
47. Posting, distributing, showing or viewing sexually explicit materials in the workplace.	<u>By a non-supervisor</u> Reprimand to 10-day suspension	<u>By a non-supervisor</u> 10-30-day suspension	<u>By a non-supervisor</u> Removal
	<u>By a supervisor</u> 10-day suspension to removal and/or downgrade and removal from supervisory position	<u>By a supervisor</u> Removal	
48. Inappropriate physical touching of a non-erogenous area of another person (may include unsolicited hug, kiss, neck or shoulder rub, etc.).	Reprimand to 14-day suspension	14-30 day suspension	Removal
49. Inappropriate physical touching of an erogenous area of another person (to include breast, buttocks, or pelvic area)	30-day suspension to removal	Removal	
50. Promise of benefit in exchange for sexual favors.	Removal		

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51. Threat or act of reprisal for refusal to provide sexual favors.	Removal		
52. Reprisal or retaliation action against a complainant, representative, witness or other person involved in an EEO investigation, proceeding, hearing or other agency process (e.g., Accountability Board).	<u>By a non-supervisor</u> Reprimand to 10-day suspension	<u>By a non-supervisor</u> 10-day suspension to removal	<u>By a non-supervisor</u> 30-day suspension to removal
	<u>By a supervisor</u> 5-30 day suspension to downgrade and/or removal from supervisory position	<u>By a supervisor</u> 30-day suspension to removal and/or downgrade and removal from supervisory position	<u>By a supervisor</u> Removal

CONTRACTING

53. Entering into an unauthorized procurement commitment or personal services contract.	Reprimand to 7 day suspension	7-day suspension to removal	Removal
54. Disclosure of proprietary or source selection information regarding a procurement.	Reprimand to 10-day suspension	10-day suspension to removal	Removal

SECURITY/SAFETY

55. Violating or ignoring security regulations; mishandling classified documents.	Reprimand to 10-day suspension	10-day suspension to removal	Removal
56. Failure to carry, show or wear government-issued identification card or credentials as required.	Reprimand to 5-day suspension	5-14 day suspension	14-day suspension to removal
57. Misuse of official identification or investigative credentials or other agency identification card.	Reprimand to 14-day suspension	14-day suspension to removal	Removal
58. Failure to observe precautions for personal safety, such as failure to use safety equipment, failure to use available safety restraints when operating a motor vehicle on Government business, or ignoring signs, posted rules, fire alarms, or written or verbal safety instructions or regulations.	Reprimand to 14-day suspension	14-30 day suspension	30-day suspension to removal

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59. Failure to report personal injury or accident that occurred while operating a Government-owned, leased or rented vehicle.	Reprimand to 5-day suspension	5-10 day suspension	10-day suspension to removal
60. Violation of traffic regulations while driving a Government vehicle or a vehicle rented or leased for official Government purposes; violation of traffic regulations while operating any vehicle on Government property.	Reprimand to 5-day suspension	5-14 day suspension	14-day suspension to removal
61. Failure to report an operational error or deviation	Reprimand to 10-day suspension	10-30 day suspension	30-day suspension to removal
62. Concealment of an operational error or deviation.	30-day suspension to removal	Removal	
63. Damaging, misadjusting or improperly using equipment used for or related to the control of air traffic.	10-day suspension to removal	30-day suspension to removal	Removal
64. Operation of aircraft by FAA pilots in violation of the FAR or other applicable regulation.	Reprimand to removal	14-day suspension to removal	Removal